

PATENT

Case Docket No. MASIMO.56DC1C1
Date: December 17, 2004

**TRANSMITTAL LETTER
RESPONSE TO MISSING PARTS**

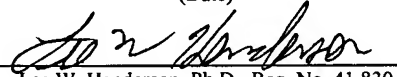
Applicant : Diab et al.
App. No : 10/791,683
Filed : March 2, 2004
For : SIGNAL PROCESSING APPARATUS
AND METHOD
Art Unit : 2621

CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

December 17, 2004

(Date)


Lee W. Henderson, Ph.D., Reg. No. 41,830

**Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Dear Sir:

In response to the Notice to File Missing Parts of Application Under 37 CFR 1.53(f), which was mailed by the Office on May 5, 2004, enclosed are:

- (X) Preliminary Amendment in 3 pages.
- (X) A Notice to File Missing Parts.
- (X) Return prepaid postcard.
- (X) Fees as calculated below:

12/21/2004 SFELEKE1 00000025 10791683

03 FC:1255

2160.00 0P

PATENT

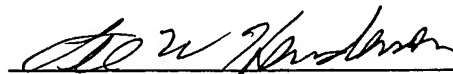
Case Docket No. MASIMO.56DC1C1

Date: December 17, 2004

FEE CALCULATION				
FEE TYPE		FEE CODE	CALCULATION	TOTAL
Basic Utility	37 CFR § 1.16(a)	1011 (\$790)		\$790
Excess Claims > 20	7 - 20 = 0	1202 (\$50)	0 x 50 =	\$0
Independent > 3	1 - 3 = 0	1201 (\$200)	0 x 200 =	\$0
Multiple Claim		1203 (\$360)		\$0
Missing Parts	37 CFR § 1.16(e)	1051 (\$130)		\$130
1 Month Extension		1251 (\$120)		\$
2 Month Extension		1252 (\$450)		\$
3 Month Extension		1253 (\$1,020)		\$
4 Month Extension		1254 (\$1,590)		\$
5 Month Extension		1255 (\$2,160)		\$2,160
			SUB TOTAL	\$3,080
The present application qualifies for Small Entity status under 37 CFR § 1.27. Fee reduced by 1/2.				(\$*)
Non-English Spec.		1053 (\$130)		\$0
			TOTAL FEE DUE	\$3,080

(X) A check in the amount of \$3,080 to cover the above fees is enclosed.

The Commissioner is hereby authorized to charge any additional fees which may be required, now or in the future, or credit any overpayment, to Account No. 11-1410.



Lee W. Henderson, Ph.D.

Registration No. 41,830

Attorney of Record

Customer No. 20,995

(949) 760-0404



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

MASIMO.56DC1C1 asg
 SCTJ/LNH

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/791,683	03/02/2004	Mohamed K. Diab	MASIMO.56DC1C1

20995
 KNOBBE MARTENS OLSON & BEAR LLP
 2040 MAIN STREET
 FOURTEENTH FLOOR
 IRVINE, CA 92614

CONFIRMATION NO. 2591

FORMALITIES LETTER



OC000000012734907

Date Mailed: 05/21/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

12/21/2004 SFELEKE1 00000025 10791683

FILED UNDER 37 CFR 1.53(b)

01 FC:1001
 02 FC:1051

790.00 OP
 130.00 OP

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 770 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Additional claim fees of **\$438** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:


Total additional fee(s) required for this application is **\$1338** for a Large Entity

- \$770 Statutory basic filing fee.
- \$130 Late oath or declaration Surcharge.
- Total additional claim fee(s) for this application is **\$438**

- \$258 for 3 independent claims over 3.
- \$180 for 10 total claims over 20.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*



Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 1 - ATTORNEY/APPLICANT COPY